UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,542	12/19/2001	Reynaldo Gil	21-013 1TW 20550	2451

68495 7590 03/06/2009	EXAMINER	
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DEERFIELD, IL 60015	ART UNIT	PAPER NUMBER
	3624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/028,542	GIL ET AL.
	Examiner	Art Unit
	Romain Jeanty	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 November 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9,11-13,15-31,38-42 and 44-59</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9, 11-13, 15-31, 38-42 and 44-59</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Arguments

1.   This Final Office action is in response to the communication received on

November 28, 2008. Claims 1-9, 11-13, 15-31, 38-42 and 44-59 are pending.

2.   Applicant's arguments filed on November 28, 2008 have been fully considered

but they moot in view of new ground of rejection.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine,
> manufacture, or composition of matter, or any new and useful improvement
> thereof, may obtain a patent therefor, subject to the conditions and requirements
> of this title.

Claims 1-9, 11-13, 15-16 are rejected under 35 U.S.C. 101. Based on Supreme

Court precedent and recent Federal Circuit decisions, the Office's guidance to

examiners is that a § 101 process must (1) be tied to a machine or (2) transform

underlying subject matter (such as an article or materials) to a different state or thing. In

re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184

(1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S.

63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would <u>not</u> qualify as a statutory process

would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory

process, the claim should positively recite the other statutory class (the thing or product)

to which it is tied, for example by identifying the apparatus that accomplishes the

method steps, or positively recite the subject matter that is being transformed, for

example by identifying the material that is being changed to a different state.

Here, applicant's method steps fail the first prong of the new Federal Circuit

decision since they are not tied to a machine and can be performed without the use of a

particular machine. Thus, claims 1-9, 11-13, 15-16 are non-statutory since they may be

performed within the human mind.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

5.   Claims 1, 6, 23, 41-42, 44-50-51, 53-54, 56-57 and 59 are rejected under 35

U.S.C. 103(a) as being unpatentable over Stewart et al (US 2002/0010741).

Regarding claims 1, 51, 53-54 and 56-57, discloses Stewart et al discloses a

workflow integration system for enterprise wide electronic collaboration. In so doing,

Stewart discloses receiving a request for the transaction from an end-user or the partner

[Paragraph 0029], accessing real-time data relevant to the transaction from an existing

partner system [Paragraph 0056], generating a context for the transaction using the

real-time data [Paragraph 0145], processing the request in the context for the

transaction [Paragraphs 0027 and 0028], initiating a workflow for the transaction at a

network system responsive to processing the request and further initiating at least one

process manager routine for managing the workflow with the end-user or the partner of

said receiving step and the existing partner system actively participating in sending or

receiving one or more messages relating in the transaction [Paragraph 0029, 0030,

0065 and 0083].

Applicant has amended the claim to recite *"providing the workflow access to the*

real-time data relating to the transaction via a data access layer operable to

communicate with a partner coordinator component integrated with an existing system

of the partner, communicating with the data access layer over a network domain

gateway to provide real-time data relevant to the transaction from the existing system of

the partner to the network execution component, sending or receiving one or more

messages related to the transaction with a transport component operable with the

network domain gateway for active processing between the enterprise and the at least

one partner in the supply chain using the real-time data for actively participating in at

least one actual transaction". The examiner notes that using a network gateway to

communicating data between partners of a business transaction is old and well known

in the art in order to facilitate the transfer of information efficiently. For example, Yang et

al (Interoperation Support for Electronic Business) discloses a method of supporting

business partners using a network gateway for allowing the exchanging information in a

business transaction using a network gateway. (Note pages 1-9 of Yang et al). It would

have been obvious to a person of ordinary skill in the art to modify the disclosures of

Stewart et al to include this feature in the disclosures of Stewart et al with the motivation

to efficiently manage business communication between disparate business partners.

Regarding claim 2, Stewart et al further discloses the method of claim 1, wherein

said accessing comprises communicating with a partner coordinator component

integrated with the existing partner system [Paragraph 0088].

Regarding claim 3, Stewart et al further disclose the method of claim 1, wherein

the real-time data comprises transaction data specifying a status for the transaction

[Paragraph 0151].

Regarding claim 4, Stewart et al further disclose the method of claim 1, wherein

the real-time data comprises reference data relating to the partner [Paragraphs 0259

and 0171].

Regarding claim 5, Stewart et al further disclose the method of claim 1, wherein

accessing comprises receiving the real-time data in extensible markup language (XML)

format [Paragraph 0088].

Regarding claim 7, Stewart et al discloses the method of claim 1, further

comprising maintaining a context for the transaction at a network system [Paragraph

0056].

Regarding claim 8, Stewart et al further discloses the method of claim 7, further

comprising: identifying the context for the transaction based upon the request; and

routing the request for processing of the transaction [Paragraph 0151].

Regarding claim 9, Stewart et al further discloses the method of claim 1, further

comprising sending a response to the request to the end-user or the partner [Paragraph

0323].

Regarding claim 11, Stewart et al further discloses the method of claim 10,

wherein the workflow comprises a plurality of tasks to be performed by the enterprise or

partner in order to fulfill the transaction [Paragraph 0085].

Regarding claim 12, Stewart et al further discloses the method of claim 11,

wherein processing comprises notifying the partner of any tasks to be performed by the

partner [Paragraph 0088].

Regarding claim 13, Stewart et al disclose the method of claim 10, wherein

processing comprises initiating at least one process manager routine for managing the

workflow [See abstract].

Claim 17-20, 22, 24-29 and 58 are system for managing a transaction involving

an enterprise and at least one partner in a supply chain, which recites similar limitations

of method claims 1-5, 9, 11-13 above; therefore claims 17-20, 22, 24-29 and 58 are

rejected under the same analysis relied upon of claims 1-5, 9, 11-13, .

Regarding claim 55, Stewart further discloses wherein each workflow comprises

a process for transforming the real-time data according to a business policy between

the enterprise and the partner [Paragraph 0280].

Regarding claims 6 and 23, Stewart et al fails to disclose converting/transforming

the real-time data into a format usable by a network system, the network system

operable to maintain the context for the transaction. Data conversion is old and well known ion the art in order to render the data more versatile. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Stewart to include converting the real-time data into a format usable by a network system with the motivation to make the data more versatile.

Regarding claims 41-42, 44-50, Stewart discloses a network execution component operable to administer a transaction involving an enterprise and at least one partner in the supply chain [Paragraph 0341], and a network domain gateway in communication with the network execution component, communicate with a partner coordinator component integrated with an existing system of the partner to provide real-time data relevant to the transaction from the existing system of the partner to the network execution component [Paragraphs 0065 and 0083], a transport component operable to send or receive one or more messages related to the transaction with the real-time data facilitating active processing between the enterprise and the at least one partner in the supply chain for actively participating in at least one actual transaction [Paragraphs 0066-0067 and 0256] Stewart discloses the concept of a C-gateway [See Figure 23 and Paragraph 0281], but Stewart fails to explicitly disclose a network domain gateway. Official Notice is taken that utilizing a network domain gateway to route information to a user's IP address is old and well known in the communication art. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the disclosures of Stewart to incorporate a network domain gateway in order to route real-time data efficiently.

Regarding claim 50, Stewart et al further disclose the network system of claim 48, wherein the database is operable to store one or more policy rules that govern the transaction [Paragraph 0174].

6.   Claims 15-16, 21, 30-31 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al (US 2002/0010741) in view of Grosvenor (U.S. Patent No. 7,216,086).

Regarding claims 15-16, 21, 30-31 and 52, Stewart et al discloses the method of claim 1 above, but Stewart et al fails to disclose wherein processing comprises alerting the partner or the enterprise. Grosvenor in the same field of endeavor discloses a supply chain management system which alerts partners, moa service level associated with the transaction (col. 2, lines 51-67 and col. 12, lines 21-37). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the disclosures of Stewart et al to include the teachings of Grosvenor in order to resolve one or more discrepancies in an outsourced manufacturing supply chain in which a plurality of supply chain partners participate.

7.   Claims 38 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al (US 2002/0010741) in view of Burr et al (U.S. Patent No. 6,510,216).

Regarding claims 38 and 40, Stewart et al discloses a database operable to store real-time data relating to the transaction {Paragraph 0071], at least one process workflow executing on a processing facility, the process workflow operable to process workflow access to the real-time data relating to the transaction, thereby providing a context for the transaction during processing [Paragraph 0029, 0030, 0065 and 0083].

Stewart et al fails to explicitly disclose a data access layer. Burr et al in the same field

of endeavor discloses the concept of using a data access layer (col. 3, lines 9-35). It

would have been obvious to a person of ordinary skill in the art at the time of the

applicant's invention to modify the disclosures of Stewart et al to include a data access

layer as taught by Burr in order to make the system more flexible, easy to maintain and

operable.

Regarding claim 39, Stewart further discloses wherein the workflow comprises a

plurality of tasks to be performed by the enterprise or partner in order to fulfill the

transaction [Paragraph 0085].

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Romain Jeanty whose telephone number is (571) 272-

6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Romain Jeanty/
Primary Examiner
Art Unit 3624

/RJ/
March 2, 2009